

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

OTHA GRAY,

Plaintiff,

v.

KATHLEEN ALLISON, et al.,

Defendants.

No. 1:23-cv-01285 GSA (PC)

ORDER DIRECTING PLAINTIFF TO
COMPLETE IN FORMA PAUPERIS
APPLICATION FOR A NONPRISONER

PLAINTIFF'S IN FORMA PAUPERIS
APPLICATION FOR A NONPRISONER DUE
JUNE 7, 2024

Plaintiff, a former state prisoner proceeding pro se and in forma pauperis, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On May 6, 2024, Plaintiff filed a notice of change of address with the Court. ECF No. 9. The address appears to be a private one, likely indicating that Plaintiff is no longer incarcerated.¹

Upon release from prison, a former inmate must be allowed to apply to proceed under general in forma pauperis provisions of 28 U.S.C. § 1915(a)(1). See DeBlasio v. Gilmore, 315 F.3d 396, 399 (4th Cir. 2003); In re Prison Litigation Reform Act, 105 F.3d 1131, 1139 (6th Cir.

¹ If the Court is incorrect and Plaintiff is still incarcerated, he must inform the Court immediately.

1 1997) (upon release, obligation to pay remainder of fees to be determined solely on question of
2 whether individual qualifies for pauper status). A released prisoner may proceed in forma
3 pauperis upon satisfying the poverty provisions applicable to non-prisoners. McGann v.
4 Comm'r, Soc. Sec. Admin., 96 F.3d 29, 30 (2d Cir. 1996).

5 For these reasons, Plaintiff will be ordered to complete and file an application to proceed
6 in forma pauperis by a non-prisoner. Plaintiff will be given thirty days to do so.

7 Accordingly, IT IS HEREBY ORDERED that:

8 1. The Clerk of Court shall send Plaintiff a copy of the Court's application to proceed in
9 forma pauperis for a non-prisoner, and

10 2. Within thirty days from the date of this order – **by June 7, 2024**, – Plaintiff shall
11 complete and file the non-prisoner in forma pauperis application with the Court.

12 IT IS SO ORDERED.

13 Dated: **May 8, 2024**

14 **/s/ Gary S. Austin**
15 UNITED STATES MAGISTRATE JUDGE
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